



United States Mission to the OSCE

Session 10: Democratic Institutions and Elections

As prepared for delivery by Paul DeGregorio
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Mr. Moderator,

The United States is shocked and saddened by news of the brutal murder of Russian independent Anna Politkovskaya. She was a highly respected investigative reporter. We hope the Russian Federation will thoroughly investigate in order to prosecute those responsible for this murder.

The OSCE has long been a leading organization in developing international election monitoring and evaluation methodology through the excellent work of ODIHR. As we are aware, some have called for changes to this methodology. The United States disagrees with those calls; ODIHR's methodology remains the "gold standard" for election observation. Our focus on democratic elections should remain on ensuring that States fulfill their existing commitments and ensuring that the work of ODIHR continues unhindered.

Indeed, in May of this year at our invitation an ODIHR assessment team visited the United States to follow up on the recommendations made by the OSCE team that observed the 2004 U.S. presidential elections. Their report indicated that ODIHR recommendations had been implemented in several important areas and that progress had been made. I also am pleased to report that extension of the important 1965 Voting Rights Act, which was cited by the May 2006 ODIHR report as unresolved, was passed by Congress and signed into law by President Bush in July.

In support of the excellent tools ODIHR and the participating States have developed over the years, and to enhance even further the overall effectiveness of election observation, in July the U.S. Mission to the OSCE circulated a food-for-thought paper on elections. To facilitate election follow-up, the United States has proposed that the Permanent Council include an item on its agenda, "Follow-up to ODIHR Election Recommendations." This could be done six and twelve months following the issuance of a final report on an election. ODIHR could report its assessment, and the participating State would have an opportunity to showcase progress in addressing recommendations. This would help keep attention focused on the recommendations in the post-election environment.

The United States also believes that improving overall electoral conditions before elections actually take place is preferable to having to make critical comments post-election. We urge that ODIHR devote increased attention to working with participating States as far in advance of elections as possible, without diminishing its essential work on election day and after. Our food-for-thought paper proposes some possible ways to advance this goal. One possibility could be to authorize ODIHR to prepare forward looking reports as warranted on the election climate in certain states with upcoming elections, to enable those countries to take advantage

of ODIHR's expertise and recommendations before the elections take place. We recognize that this would require giving ODIHR's election unit increased resources, in order to accomplish this task, which would need to be addressed in advance.

While it is appropriate to discuss possible refinements to ODIHR's election-related observation and assistance, we should keep in mind that ODIHR's assistance is only a means to an end. It is ultimately the responsibility of the participating States to ensure that their laws, regulations, practices and policies on elections are in full conformity with existing OSCE commitments and standards. Unfortunately, the gap between commitments and implementation was evident in several elections in the past year in the OSCE region.

The March 19 Belarusian presidential election was conducted in a manner contradictory to fundamental OSCE commitments. The election was characterized by the arbitrary abuse of state power, detentions and a disregard for basic civil and political rights. We are concerned about Belarus' proposed electoral amendments that, if enacted, would make Belarus' Electoral Code even further out of line with OSCE commitments by further restricting candidates' ability to campaign; banning the use of campaign materials printed abroad, thereby virtually excluding all opposition campaign materials; facilitating candidate registration denials and de-registrations; allowing state-controlled media, which deny equal access to independent candidates, to cite polling data up to five days before the elections; and further limiting role of independent observers.

In Azerbaijan, serious problems in several areas, including the vote tabulation process were observed during the November 2005 parliamentary election. A referendum on constitutional amendments in Armenia last November also drew criticism. Kazakhstan's presidential election in December 2005 failed to conform to OSCE commitments, despite repeated promises from the Government of Kazakhstan. Of particular concern was a lack of equal opportunities for all candidates and the use of state resources in support of the incumbent's campaign. Azerbaijan, Armenia and Kazakhstan still have not implemented OSCE recommendations that were issued after the previous flawed elections.

On the other hand, the United States is pleased to note that improvements continue to be made in the quality of the election process in a number of other participating States. Ukraine's parliamentary elections in March met international democratic standards and were the most free, fair and competitive in its history.

The May independence referendum in Montenegro was conducted largely in conformity with OSCE commitments. This proved critical in maintaining the legitimacy of the polling in light of how close the majority of votes was to the 55 percent threshold required for a positive referendum outcome. The September parliamentary election in Montenegro was generally well-administered, although the authorities need to address some significant remaining problems. We encourage Montenegro – and all OSCE participating States – to make use of ODIHR's expertise to improve the conduct of their elections.

This July, Macedonia conducted parliamentary elections which were judged generally free and fair. Some irregularities did take place, and incidents during the early campaign period were a serious cause for concern. While credit should be given to Macedonian authorities for responding quickly and correctly to these problems, further reforms will hopefully prevent problems from recurring in the future.

The United States remains concerned with the adoption of regressive laws in the Russian Federation that appear to reduce the transparency of elections. This is an especially troubling development in the lead-up to parliamentary elections in 2007 and a presidential ballot scheduled for 2008. We hope that domestic non-partisan NGOs will be allowed to monitor these elections.

We hope that upcoming elections, including the November 6 presidential election in Tajikistan, and the municipal elections in Azerbaijan will demonstrate progress. Ensuring free and fair election processes, the most basic democratic right, remains a fundamental obligation of all OSCE States.

Finally, Mr. Moderator, Ambassador Finley has extended an invitation for the OSCE to observe our Congressional elections on November 7. ODIHR has accepted our invitation and recently advised us that it plans to send a team of election experts for an approximately three-week assessment mission that will cover a wide geographic area within the United States. The United States welcomes this, so that we can continue to have the benefit of important ODIHR assessments and recommendations.